

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

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VS.

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CRIMINAL ACTION NO. C-12-551-1

MICHAEL YARBROUGH

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MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear; and
 - (2) There is a serious risk that the defendant will endanger the safety of another witness or the community.

The evidence that the defendant was manufacturing assault rifles without a federal firearms license is substantial. The findings and conclusions contained paragraphs one through four of the Pretrial Services Report are adopted. Assault weapons manufactured by the defendant have been recovered in Mexico, reflecting that the defendant has ties to that country. The defendant has threatened witnesses on numerous occasions, and he threatened and a witness's family member. He is a poor bond risk.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation

with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 7th day of August, 2012.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE